

Modern Awards Review 2023-4 Work and Care Survey

Final Report

30 May 2024



Social
Research
Centre

Acknowledgements

We acknowledge the Wurundjeri People who are the Traditional Custodians of the lands on which our company is located, and the Traditional Custodians of country throughout Australia, where we conduct our business. We pay our respects to Elders, past, present and emerging. The Social Research Centre is committed to honouring First Nations peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

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Project sponsor

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Executive summary

This report summarises the insights from a qualitative survey of employers regarding workplace flexibilities, conducted as part of the Modern Awards Review 2023-2024 Work and Care stream.

Employers were consulted to understand their perception of the use and availability of flexible work arrangements to employees, including employees with care responsibilities.

This work found that employers typically perceive workplace flexibilities as being made widely available to employees – for those whose role types were amenable to flexible working arrangements. This was operationalised through management or internal policies and norms, rather than Modern Awards. However, even when not directly used to set employment conditions, Modern Awards conditions were often used to form the basis of individual contracts, particularly in small and medium businesses, with the main variation noted an increase in salary above award rates. There were significant differences in the formality of processes by business size, and in uptake of flexible working conditions between industries.

Key findings

Type of role influenced employer perception regarding suitability of flexible work

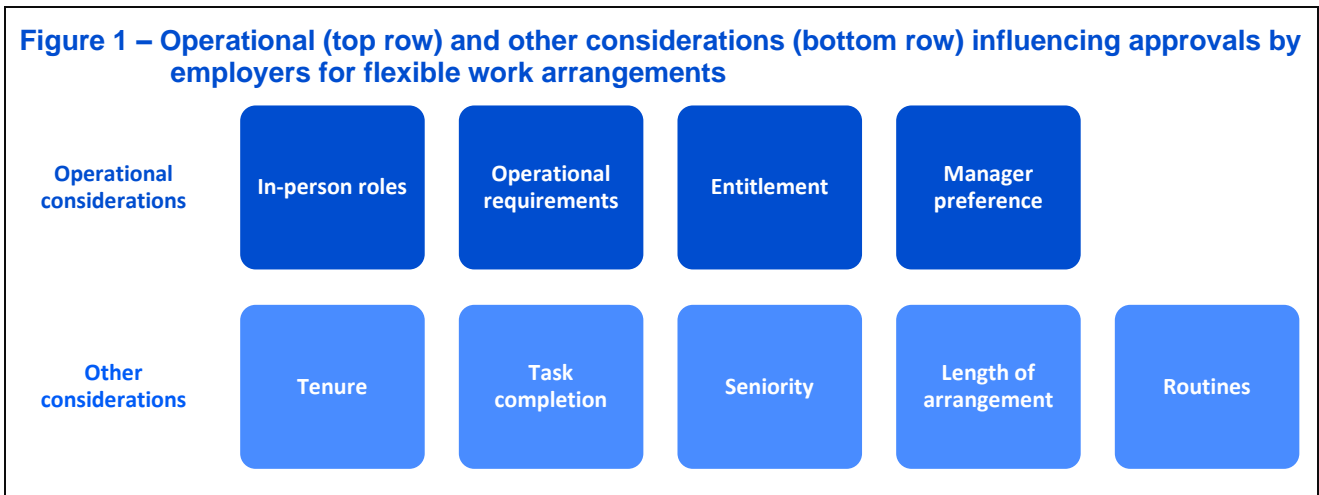
Employers typically reported informally using role type to evaluate whether work is amenable to flexible working arrangements or not. Person-facing roles (e.g. healthcare, reception, retail) and in-person roles (e.g. construction, landscaping) were typically less amenable to flexible working arrangements. Desk-based roles were typically seen as more amenable to flexible working arrangements.

- While this has implications for flexible work in working from home arrangements, role type also influences the perception of suitability to other types of workplace flexibilities.
- Industries including construction, despite high awareness of their employment rights under the applicable instrument (e.g. EBA or Award), reported lower use of flexible working arrangements.

Operational considerations were the key factor in accommodating workplace flexibilities

Employers discussed operational considerations considered when approving workplace flexibilities to include role type, operational requirements, manager preferences, and employee entitlement. Other considerations which may influence the approval of flexible work arrangements included tenure, seniority, workplace routines, length of arrangements, and task completion.

Figure 1 – Operational (top row) and other considerations (bottom row) influencing approvals by employers for flexible work arrangements



Employers report approving very high proportions of flexible working arrangements for roles suitable to flexible work

For those roles which are amenable to flexible working arrangements, employers typically report approving very high proportions of requests for workplace flexibilities. Flexible working arrangements are also seen as key to retention and recruitment of employees in these roles.

However, in many cases, employers reported that negotiation may be needed prior to approving workplace flexibilities. This was typically to ensure alignment of resource availability with the current working arrangements of the wider team, and was most commonly reported in medium-size businesses. While employers viewed these arrangements as an approval of flexible working arrangements, this may be seen differently by employees, who are less likely to have access to flexible working arrangements in the form originally requested.

- Employers typically focus on working from home arrangements and flexible hours.
- Employers rarely mentioned job sharing, split shifts, or role changes to enable flexible working.
- Few employers reported approving workplace flexibilities which would require significant adjustments, e.g. additional recruitment activity to accommodate employees working part time, significant rostering changes, etc. Typically, flexibilities were discussed regarding the suitability to the existing role design.
- Employers discussed both planned and ad-hoc flexibilities for workers with care responsibilities. While planned flexibilities were viewed as easy to accommodate, typically ad-hoc flexibilities were seen as more difficult to accommodate due to short notice. These were often related to children (e.g. sickness, unplanned school pickups, etc.) and conflated by some employers with unreliability.

Decisions about the availability of flexible working arrangements are often made by line managers

Employers typically perceived that implementation of workplace flexibilities is often guided by line managers rather than conditions present in Modern Awards.

- **Small businesses often operate with line managers making decisions about flexibility without specific reference to Modern Awards.**

- Employers discussed both of examples where flexibilities were not formally available but enabled, and situations where flexibilities were available but dissuaded by senior management (e.g. working from home arrangements).
- Formal processes through which to request flexible working arrangements were more common in large businesses and informal processes were more common in small and medium businesses.
- When discussing the potential for workplace flexibilities, operations during COVID-19 were seen as a key turning point in enabling and normalizing workplace flexibilities. Tensions were noted when flexibilities offered had reverted from what was deemed acceptable during COVID-19 working arrangements to pre-pandemic arrangements by managers. Some respondents noted a lack of flexible working arrangements restricting their recruitment activities, particularly in IT-related work.

Flexible work arrangements for employees with care responsibilities

Most types of flexibilities for employees with care responsibilities were consistent with the types of flexibilities available for other employees. In reality, they were almost synonymous, with the main reasons cited for employees requesting workplace flexibilities were children, caring, and study. In some instances, employers reported prioritising approval of workplace flexibilities for those employees with care responsibilities.

Females in senior positions or female-led businesses cited the importance of empathy in approving and making available flexibilities to those employees with care for young children.

Awards could significantly influence flexibilities in gendered segregated industries

Many highly feminised industries are in-person or person-facing roles (Cortis et al. 2023), which were identified in this research to be the types of roles less amenable to workplace flexibilities. These industries have employees with higher proportions of unpaid caring responsibilities, and higher proportions of part time workers than average. The potential role of Awards in these industries to improve flexible working conditions is significant. This is due to the high level of Awards and collective agreements in setting employment conditions in these industries.

Working from Home is widely available, but sometimes limited in practice

While not currently a provision in Awards, working from home arrangements were discussed by almost all employers as an example of flexible working arrangements. These are commonly deployed across desk-based industries, and in more senior roles. In industries where working from home did not impact productivity, some employers noted that employees dissatisfaction within the organisation with a push to reversion to pre-COVID working arrangements, and compliance with management-specified in-office days. This could particularly impact employees with care responsibilities – for example mothers with limited options for childcare. The Commission may wish to further consider the right to employees for fully flexible working arrangements for work which can be done remotely.

1. Introduction

1.1. Background

Work and care stream - Modern Awards Review 2023-24

The Fair Work Commission (the Commission) engaged the Social Research Centre in April 2024 to complete the Work and Care Survey (the project) as part of the work and care stream of the Modern Awards Review 2023-2024. The work and care stream involves a research and consultation process to consider balancing work and care in the context of workplace relations settings in modern awards.

Caring responsibilities in Australia

Caring responsibilities are common in Australia. There are 2.65 million carers in Australia for older adults or Australians with a disability (Australian Bureau of Statistics, 2019) and caring responsibilities for parents and guardians of Australia's 4.8 million children (Fair Work Commission 2023). Providing care is often emotionally and physically intense, particularly for primary carers. Unpaid care is often provided for family, and out of love or a sense of responsibility, and can in some ways be rewarding. However, carers without support or respite can experience negative financial and personal impacts, including detrimental physical and mental health outcomes longer-term, and social and economic costs.

Caring has a broad range of impacts on workforce participation

A common adaptation to combining work and care in Australia is part-time or casual work (NDIS, 2018). Regular long hours, especially in management and professional work, and in senior and higher pay jobs, make it harder for workers in these careers to be active carers. This concentrates carers in part-time, lower pay and less secure types of employment (WGEA, 2017).

Carers experience unpredictable hours, income and job security in part-time and casual work

Workers in part-time and casual employment experience job insecurity, and unpredictable hours and income (Parliament of Australia, 2018). Therefore, the issue of predictable, secure working time and pay emerge as key issues to investigate in the modern awards review due to their impact on caring responsibilities, especially in the services, retail and care sectors, where part-time work is prevalent (Senate Select Committee on Work and Care, 2023). The Final Report emphasised the need for improved roster rights to ensure predictable, stable rosters, and for workers to have input about roster changes, and the right to decline, without fear of, or suffering, disadvantage.

There are some flexibilities in Modern Awards which support carers

The workplace relations framework includes several mechanisms that may assist modern award covered employees to access flexibility.

All Modern Awards include flexibility terms to enable an employer and an employee to agree to an individual flexibility arrangement. Additionally, facilitative provisions allow an employer and an employee to vary modern award provisions by individual agreement. Common examples include time off instead of payment for overtime or taking annual leave in advance.

The Work and Care discussion paper identifies whether specific variations to the individual flexibility provisions and facilitative provisions are needed to ensure they continue to meet the

Modern Awards objective and the amendments to the FW Act (made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*). Furthermore, work from home provisions are currently not a feature of Modern Awards, and may require investigation on potential variations.

1.2. Research Objectives

The purpose of the research was to qualitatively survey employers on workplace flexibilities to balance work and care. It explored the types of flexibilities currently available, those utilised by employees, and how Modern Awards might support these practices. Additionally, the survey sought to uncover any barriers within Modern Awards that could hinder employers from offering these flexibilities, as well as any challenges to their utilisation and accessibility.

The key purpose of the project was to provide qualitative evidence and insights into:

- Workplace flexibilities offered by employers to manage work and care responsibilities and their use by employees.
- Barriers to the use (take-up) of workplace flexibilities by employees who balance work and care responsibilities.

The findings will help inform the Commission about potential variations to modern award provisions, including work from home arrangements, to offer great flexibility to employees seeking to balance work and care.

The research questions, defined by the Commission, are listed in Table 1 below.

Table 1 – Research Questions

Research questions
What workplace flexibilities are offered to workers in their workplace, including to workers with care responsibilities?
What workplace flexibilities are currently used by employees?
What barriers to use of workplace flexibilities (both internal and external to the business) are there?
What are the impacts and use of industrial instruments and relevant clauses to enable workplace flexibilities?
What are the impacts and use of industrial instruments and relevant clauses to dissuade workplace flexibilities?
What are the opportunities, or suggested changes, for flexible work arrangements in industrial instruments to assist employees to balance work and care responsibilities?

1.2.1 Limitations

The following limitations to the projects were identified. A brief synopsis is provided below.

Limited scope of respondents

The study was conducted with a focus on employers' perspectives on offering employees flexible arrangements. However, it is important to note that the respondents were a small sample (45) of employers from a wide range of industries. The perspectives of employees were not included in this study, which may limit the breadth of insights.

Generalisation of findings

The study reports the most common themes heard from employers interviewed as part of this work. While the reporting aims to highlight where these diverged, it may omit infrequently reported narratives. Summaries at a high level will not reflect conditions in all organisations.

Interviewees 'taking the company line'

Some interviewees exhibited a tendency to align with the company's official stance rather than engaging as independent research participants. This behaviour potentially impacted the thoroughness of the findings and the candidness of their responses.

1.2.2 Out of scope

The following items were out of scope for this work.

- Exclusion of 'Right to Disconnect'. As per the statement by Deputy President O'Neill on 21 February 2023, the 'right to disconnect' is subject to a separate inquiry due to significant developments in the form of legislative change. Therefore, this aspect is not included in the scope of this research project.
- Exclusion of Making Awards Easier to Use stream of the Modern Awards Review 2023-24. The project does not include the aspect of making Awards easier to use. As noted in the 21 February 2023 mention with the Deputy President, there is a separate stream in the Modern Awards review dedicated to this question.

1.3. Quality Assurance

The Social Research Centre is accredited under the ISO 20252:2019 scheme (certification number MSR 20015, first issued by SAI Global, on 11 December 2007 and recertified 2019 and again on 24 November 2022 by ISO Experts for a further 3 years to 2025). All aspects of this research were undertaken in accordance with the Research Society Code of Professional Practice, ISO 20252:2019 standards, the Australian Privacy Principles, and the Privacy (Market and Social Research) Code 2021.

The Social Research Centre is an accredited Company Partner of The Research Society with all senior staff as full members and several senior staff QPMR accredited. The Social Research Centre is also a member of the Australian Data and Insights Association (ADIA formerly known as AMSRO) and bound by the Market and Social Research Privacy Principles/Code.

While ethical review was not required for this project, the team abided by key ethical principles regarding informed consent and confidentiality.

2. Methodology

This section of the report summarises the approach to the qualitative survey research. This includes an overview of the recruitment, conduct of fieldwork, and the analysis and reporting of data.

2.1.1 Project design

The Fair Work Commission (the Commission) engaged the Social Research Centre in April 2024 to complete the Work and Care Survey (the project) as part of the Modern Awards Review 2023-2024.

The document review included materials shared by the Commission regarding existing work and care surveys, literature reviews and other non-peer-reviewed sources and materials. The document review helped to provide further context for the research and helped in the development of the research questions.

The survey was designed in collaboration with the Commission. The survey questions were developed based on the document review process and was further informed through outcomes stemming from consultation with interested parties submitted to the Commission.

The Social Research Centre then facilitated 45 interviews virtually with employers across targeted industries using Microsoft Teams between April 19 – May 13, 2024. Interviews were recorded and transcribed with consent of participants. Fieldnotes and audio data derived from the interviews were used to develop an analytical framework to categorise participants' de-identified responses into distinct 'themes' which were derived from the major themes set out in the discussion guide used to steer the interviews.

2.1.2 Survey Methodology

The survey was conducted based on the collection and analysis of qualitative data (interviews) and secondary data (Commission data). The table titled "Data Collection Activities" provides an overview of the specifics, types, and objectives of the data gathered for this report.

Table 2 – Data Collection Activities

Data Type	Data Collection Details	Aim
Document review	Review of Fair Work Commission data: Previously published data on work and care. This included data profile on workplace flexibilities, literature reviews and statements from the Fair Work Commission's Deputy President.	To inform the development of research questions, instrumentation and context for the project and final report.
Qualitative Data	Interviews: 45 x 30-minute interview with stakeholders (CEOs, Directors, Business Partners, Business Owners, Managers, Senior Managers, Middle Managers, Supervisors and Coordinators)	To explore the perspectives of various employers regarding the range of flexible work options currently in place within their respective businesses, those utilised by their employees, and how Modern Awards might support these practices.

2.2. Document Review

The document review included materials shared by the Fair Work Commission regarding existing work and care surveys, literature reviews and other non-peer-reviewed sources and materials. The document review helped to provide further context for the research and helped in the development of the research questions. The following documents were identified by the Commission and was reviewed to inform the development of research questions, instrumentation and context for the project and final report:

- Discussion paper on Work and Care (published 29 January 2024) (Fair Work Commission, 2024)
- Literature review prepared by Western Sydney University (published 8 March 2024) (Smith & Charlesworth, 2024)
- Transcript of the mention with Deputy President O'Neill and interested parties (21 February 2024) (Fair Work Commission, 2024)
- Deputy President Statement on the literature review published and proposed timeline for the employer survey (8 March 2024) (Fair Work Commission, 2024)
- Submissions on the Survey by ACTU, Australian Industry Group and Carers NSW (received 12 March & 26 March 2024) (Fair Work Commission, 2024)
- Data profile on workplace flexibilities published by the Commission (28 March 2024) (Fair Work Commission, 2024)

2.3. Qualitative Data Collection

The survey was designed in collaboration with the Commission throughout April 2024. The survey questions were developed based on the document review process and was further informed through outcomes stemming from consultation with interested parties at the mention hearing before the Commission on 19 February 2024.

The following key questions outlined in Table 3 were derived for the purpose of this survey.

Table 3 – Survey Questions

Survey questions	Sub-questions
<p>1. What workplace flexibilities are available to employees, including to employees with care responsibilities?</p>	<p>a.) What workplace flexibilities are available to employees?</p> <p>b.) Do the workplace flexibilities available vary by employment type (full-time, part-time, casual)?</p> <p>c.) Do the workplace flexibilities available vary by work undertaken or role?</p> <p>d.) What work from home arrangements are available?</p>
<p>2. What workplace flexibilities are currently used by employees?</p>	<p>a.) How common is it for employees to have flexible working arrangements?</p> <p>b.) What workplace flexibilities are requested by employees?</p> <p>c.) What are the reasons for requesting flexible working arrangements?</p>
<p>3. What are the operational considerations for accommodating workplace flexibilities?</p>	<p>a.) How are requests for flexible working arrangements processed or evaluated in your organisation? (Including discussion of tenure, employment type, performance etc.)</p> <p>b.) What criteria is used to assess whether the business can accommodate flexible working arrangements?</p> <p>c.) What proportion of requests for flexible working arrangements are approved? In cases where employees with caring responsibilities request flexible working arrangements are denied, what are the primary reasons for refusal?</p> <p>d.) What have been the typical outcomes when employees with caring responsibilities in the business have encountered, but not met operational requirements for approval of flexible workplace arrangements?</p>
<p>4. What are the impacts and use of industrial instruments and relevant clauses to enable or dissuade workplace flexibilities?</p>	<p>a.) What instrument or instruments are used to set employment conditions for your employees (e.g. Modern Awards, workplace bargaining or enterprise agreements, individual flexibility arrangements, etc.)? Does this vary between roles or between areas of your organisation?</p> <p>b.) What provisions in the applicable industrial instrument allow for workplace flexibilities? (Including discussion of Section 65 Fair Work Act, individual flexibility arrangements, modern award facilitative provisions)</p> <p>c.) Are there provisions in the applicable industrial instrument that impact implementation of workplace flexibilities?</p>
<p>5. How can Modern Awards be amended to enable your business to provide greater flexibilities to employees with caring responsibilities?</p>	<p>a.) Are there changes that could be made to the relevant workplace instrument(s) to make it easier for employers to approve flexible working arrangements to assist employees to balance work and caring responsibilities?</p>

2.3.1 Sample size and target audience

The research project targeted 45 employers and employer representatives within organisations who could speak to the instruments used to set employment conditions, policies and practices across the business. This group included individuals such as business owners, business managers, and HR professionals. The research focused on participants who knew about the industrial instruments used to set pay and employment conditions, such as Modern Awards and enterprise agreements. These participants were well-positioned to make observations regarding enablers or barriers to workplace flexibilities arising from these instruments.

The survey aimed to capture insights from employers using a diverse mix of industrial instruments across various sectors.

The targeted breakdown included an equal distribution of 50% awards and 50% other instruments. Additionally, the research sought insights from businesses of varying sizes in Australia, encompassing small, medium, and large industries.

2.4. Survey Consultations

Recruitment

Recruitment was a collaborative effort between the Social Research Centre's Conversations in Australia™ database, and The Online Research Unit's Small and Medium Business Panel. Potential participants were screened based on the sampling criteria described above. Participants provided informed consent in advance of commencing the interview.

Qualitative Survey

The Social Research Centre facilitated 45 interviews virtually using Microsoft Teams between April 19 – May 13, 2024. These structured interviews lasted 30 minutes. Participants received a \$150 incentive at the conclusion of the interview.

Interviews booked and achieved percentage against target

The tables below provide a summary of the project sample, including total number of interviews, the distribution across different industries, the scale of businesses involved, and the proportion of businesses setting employment conditions using Awards.

Interviews were spread across a range of industries.

Table 4 – Industries of employers involved in interviews

Industry	Number of Interviews
Administrative and support services	3
Agriculture, forestry and fishing	1
Arts and recreation services	2
Construction	3
Education and training	3
Health care and social assistance	8
Information media and telecommunications	2
Professional, scientific and technical services	9
Transport, postal and warehousing	2
Electricity, gas, water and waste services	1
Public administration and safety	2
Accommodation and food services	3
Retail Trade	5
Manufacturing	1
Total	45

Interviews were distributed across business sizes.

Table 5 - Interview spread across business size

Business size	Number of Interviews
Small (2-15 employees)	11
Medium (15–199 employees)	19
Large (200 or more employees)	15

The target proportion of businesses setting employment conditions using Awards was achieved.

Table 6 – Instrument used to set employment conditions

Instrument used to set employment conditions	Number of Interviews	% interviews	Target
Awards	22	49%	50%
Other	23	51%	50%

The typical roles and titles of the interview respondents are summarised in Table 7 below.

Table 7 – Roles and Titles of Interview Respondents

Business Size	Roles and Titles of Participants (examples, non-exhaustive)
Small (2-15 employees)	CEO; Business Owner; Senior Manager
Medium (15–199 employees)	CEO; Director; Senior Manager; Middle Manager; Partner
Large (200 or more employees)	Director; Manager; Coordinator; Supervisor;

2.5. Interview Data Analysis

Collection of fieldnotes were undertaken by a researcher from the Social Research Centre, who conducted the interviews after obtaining the necessary consent from the participants. In addition to the fieldnotes, audio recordings of the interviews were also obtained. These recordings were then transcribed internally by another Social Research Centre researcher. Following the data collection process, an analytical framework was used to categorise participants' de-identified responses into distinct 'themes' which were derived from the major themes set out in the discussion guide used to steer the interviews.

Thematic analysis of fieldnotes and transcripts was organised around the following topics:

- **Available workplace flexibilities:** To identify and explore available workplace flexibilities for employees, specifically employees with care responsibilities, and how they are operationalised. Gain insight into requests, and reasons behind requests, for workplace flexibilities from employees.
- **Operationalising workplace flexibilities:** To understand from an employer perspective any considerations, criteria and operational requirements when evaluating requests for workplace flexibilities, in order to draw out barriers and potential variations to Modern Awards that can help enable greater workplace flexibilities to employees with caring responsibilities.

3. Practices and processes in managing flexibility in the workplace

3.1. Workplace flexibilities available to employees

Employers discussed both planned and ad-hoc flexibilities for workers with care responsibilities.

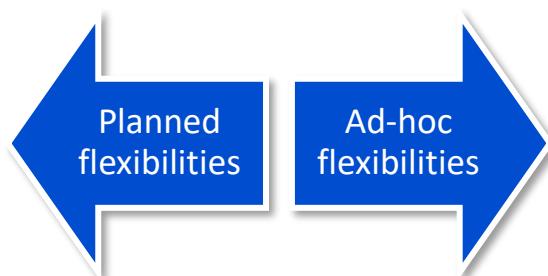


Table 8 below offers a snapshot of the diverse types of flexibilities that were mentioned by respondents to varying degrees during the interviews.

Table 8 – Workplace Flexibilities Available to Employees

Type of flexible work	Often raised by employers	Mentioned only by some employers	Rarely raised by employers
Planned flexibilities	<ul style="list-style-type: none"> • Flexible start and finish times • Part-time work • Working from home • Remote work 	<ul style="list-style-type: none"> • Compressed work weeks 	<ul style="list-style-type: none"> • Job sharing • Change in role to enable flexible working • Split shifts
Ad-hoc flexibilities	<ul style="list-style-type: none"> • Working from home • Changes to schedules • Shift swapping 	<ul style="list-style-type: none"> • Emergency leave 	<ul style="list-style-type: none"> • Extended time-off • Extended leave
Other related provisions (NB: out of scope)	<ul style="list-style-type: none"> • Formal leave arrangements • Carers leave • Personal leave 	<ul style="list-style-type: none"> • Rostered Days Off (RDOs) and • Accrued Days Off (ADOs). 	<ul style="list-style-type: none"> • Flexibilities to enable workplace inclusion

Flexibilities mentioned often fall within the following two main categories.

Planned Flexibilities: Planned flexibilities often included pre-arranged adjustments in work schedules, including part-time work, compressed workweeks or job-sharing arrangements. Employers consistently focused on flexible start and finish times and working from home as key workplace flexibilities offered to employees. Employers often strategically planned and implemented these options to accommodate diverse employee needs while maintaining operational efficiency.

Ad-hoc Flexibilities: Ad-hoc flexibilities are more spontaneous and situational and often included sudden changes in work hours, last-minute remote work permissions, or temporary adjustments in responsibilities. However, employers typically perceive ad-hoc flexibilities as challenging to manage due to their short notice. These instances were often associated with child-related circumstances, such as sudden illness or unexpected school pickups.

Other Related Provisions: Beyond formal flexibilities, employers also offered other related provisions. These included benefits like personal leave, rostered days off (RDOs), and inclusion measures, particularly those aimed at accommodating employees with chronic conditions. While not directly altering work schedules, employers cited that these provisions often contributed to a more supportive work environment and contributed to employees' well-being.

[Some flexibilities have significantly lower visibility, and this may be affecting their uptake](#)

Few employers reported approving workplace flexibilities which would require significant adjustments, e.g. additional recruitment activity to accommodate employees working part time, significant rostering changes, etc. Typically, flexibilities were discussed regarding the suitability to the existing role design.

[Working from Home](#)

While not currently a provision in Awards, working from home arrangements were discussed by almost all employers referring to flexible working arrangements. These are commonly deployed across desk-based industries, and in more senior roles.

In industries where working from home did not impact productivity, some employers noted that employees dissatisfaction within the organisation with a push to reversion to pre-COVID working arrangements, and compliance with management-specified in-office days.

This could particularly impact employees with care responsibilities – for example mothers with limited options for childcare. The Commission may wish to further consider the right to employees for fully flexible working arrangements for work which can be done remotely.

[Conflation of ad-hoc flexibilities with unreliability](#)

Ad-hoc flexibilities were seen as more difficult to accommodate due to short notice. These were often related to children (e.g. sickness, unplanned school pickups, etc.) and conflated by some employers with unreliability.

This challenge was cited by employers as managing the operational difficulties posed by frequent absences. While employers understood and supported the need for flexible work arrangements, frequent absences were occasionally grouped in with these, and discussed in total as a disruption to workflow and placed additional pressure on other team members.

"It is a point of constant frustration as well, having people unexpectedly not attend shifts 30, 40 odd times plus a year in some occasions and more."

However, it was also noted by employers that some staff will work together to provide flexible working arrangements while ensuring business continuity.

"I have noticed that some of the staff, they cover each other."

Further, some employers highlighted the importance of trustworthiness of employees in using flexible work arrangements.

"I think during COVID there was a high expectation of everyone working from home, but then it was showing that possibly people don't use that in the correct way."

"I do wonder whether employees do take advantage of it."

3.1.1 Variations across industries and business size

Role type influences the perceived suitability to flexible work arrangements

Employers typically report using work type to evaluate whether work is amenable to flexible working arrangements or not.

Primarily person-facing roles (e.g. healthcare, reception, retail) and in-person roles (e.g. construction, landscaping) were typically less amenable to flexible working arrangements.

“And for the working from home, obviously, that's not a viable option for people like landscape. It's Yeah. It'd be hard to work for home to cut the lawn.”

Primarily desk-based roles were typically seen as more amenable to flexible working arrangements.

While working from home arrangements may not be available to in-person or person-facing employees, there was some indication that those in these industries are less likely to request other types of workplace flexibilities (e.g. part time work, compressed hours, flexible start and finish times).

Figure 2 – Role types and perceived suitability to flexible work arrangements



Planned flexibilities were found to be particularly common in certain industries due to the nature of the work, external factors such as technological advancements and societal shifts. This trend was particularly noticeable in sectors including: Administrative and Support Services; Information Media and Telecommunications; Professional, Scientific and Technical Services; and Public Administration and Safety.

Industries that primarily involved in-person, customer-facing, or manual labour roles often found it challenging to provide work-from-home arrangements for their employees. The nature of these jobs required a physical presence to interact with customers or handle manual tasks, making remote work impractical. Some respondents reflected on the example of construction workers' inability to perform their duties from home due to their work involving physical labour that had to be done on the construction site. This trend was particularly noticeable in sectors including: Construction; Education and training; Health care and social assistance; Accommodation and food services; Retail Trade; and Manufacturing.

Flexibility as a form of retention strategy in small businesses

Flexibility in smaller businesses were also often utilised as a part of their retention strategies. Retaining talented employees was seen as crucial for all businesses across the various industries, but it was especially seen as vital for smaller businesses where the impact of each employee was more significant. Smaller businesses were more likely to design work structures around employees availability, due to their importance within the business.

By offering flexible work arrangements, smaller businesses had been able to increase job satisfaction, improve work-life balance, and ultimately foster a loyal and satisfied workforce. This had not only helped in retaining existing employees but also made the company more attractive to potential employees, thereby aiding in recruitment efforts.

3.1.2 Workplace flexibilities and industrial instruments

There is low awareness of the role of Awards in setting flexible work

Even experienced managers and HR professionals, struggled to distinguish between employment conditions established by Awards, Contracts, internal HR policies, and the National Employment Standards. This was particularly true in small and medium businesses.

"[Names Award]. And that's [State]. I don't know if there's different ones. I'm assuming that it's different for different states, but that's put down by the Fair Work Australia."

"And if someone has young kids or young babies, they will be entitled to have flexible working arrangement in terms of time."

This influenced some of the recommendations from employers arising from this work.

Additionally, some managers noted that their employees preferred tabular summaries of key entitlements (e.g. leave) rather than providing e.g. equations in text form.

"When I think of the modern awards, it's awards that I read, which is very boring the information on reading. It's very open to interpretation."

While Awards were used to set employment conditions widely both directly and indirectly, employers perceived low influence of Awards in enabling workplace flexibilities.

"If they, if due to their house or just due to family, you can apply to work from home as well. Yeah. And, again, that's not through the award. That's not through the instrument itself."

It was unusual that Awards included flexible working arrangements, however where these were present, it was noted that these were still subject to local interpretation.

"So the award that we have, defines things like the flexible working. So that's actually part of our award, so that can't be changed, but the flexibility of that is up to interpretation for each individual [organisation]"

Some employers categorised their employees with regards to 'blue collar' and 'white collar' roles. Roles typically classified as 'white collar' were described as more likely to be flexible, with 'blue collar' roles less likely to offer flexibilities.

"So for our white collar employees, we are quite flexible. We can do work from home every couple of days a week. [...] Some people even do afternoon work instead of nine to five. [...] For Blue Collared workers] I would say they don't really have a lot of flexibility."

Industries including construction, despite high awareness of their employment rights under the applicable instrument (e.g. EBA or Award), reported lower use of flexible working arrangements. While not explicitly discussed by employers outside of workplace culture, these industries were typically male-dominated. The construction industry, in particular, exemplifies this trend. Ranking

second to mining, it stands as one of the sectors with the highest concentration of male workers in the nation (Workplace Gender Equality Agency, 2023).

Employers mentioned using Award conditions as the basis for flexibilities offered to senior staff who were typically not covered by Awards.

“Those employees that aren't covered, we consider to be award free and covered by the national employment standards. What is provided for or what is accessible under the relevant instruments, so the individual flexibility, under the award or flexibility that they're able to request under the national employment standards there wouldn't be anything different that we would offer.”

Some flexibilities, such as job-sharing arrangement, appear to primarily be offered when the situation presents itself, rather than if requested by the employee.

“You can split your role. I did two assistant managers on a pro rata. One had [caring responsibilities for a disabled son], he couldn't do it full time and the other girl only wanted part time, so we combined one role into two.”

3.2. Processes for Flexibility Requests

The role of line managers

A strong theme from both businesses with formal and informal processes was that implementation of workplace flexibilities is often down to line managers rather than Awards.

Line managers were often identified as playing a crucial role in the decision-making process for flexible work arrangements. They were typically the ones who understood the day-to-day operations of the team and the specific roles of each team member and were often viewed as well-positioned to assess the feasibility of flexible work arrangements and make informed decisions.

“But personally, with my experience, my manager is quite flexible, so I feel like I kind of get away with a lot of things. [...] The managers for engineers are not as flexible.”

“So if the line manager is happy with it, is agreeable, yep. By all means the employee, you know, is able to work on compressed hours or be a part timer or job sharing.”

“But generally, they're not they're not covered by our policies. So that's on a case by case basis, whether a leader wants to approve it.”

The preferences of line managers played a significant role in the decision-making process. Managers who were supportive of flexible work arrangements were more likely to approve requests for flexibility. Employers discussed both of examples where flexibilities were not formally available but enabled, and situations where flexibilities were available but dissuaded by senior management.

The seniority and influence of line managers within the business may influence the proportion and types of flexible work arrangements which are approved. This may be influencing the lower use of workplace flexibilities that would require significant operational changes (e.g. recruitment, etc).

Negotiations

In many cases, employers reported that negotiation may be needed prior to approving workplace flexibilities. This was typically to ensure alignment of resource availability with the current working arrangements of the wider team, and was most commonly reported in medium-size businesses.

“So, you know, we might say to you, oh, so look, I know you wanna take that week off, but, you know, Bob and Helen are both already off. Could you possibly try and switch that slightly?”

“It's up to the negotiation with that reporting manager.”

“The coverage of a whole diary is a much is very difficult. It's a much more global, kind of decision making imperative, I guess. So sometimes you know, we might say, look, can't give you the whole of Thursday afternoon off. What about can you can you work till this time, and we'll try and because then you gotta honor their part time hours somewhere else. Then you gotta go, oh, okay, well, we'll have to give you a couple of extra hours on Friday, which is of no use to the [organisation]. So sometimes it's not a it's not an open yes. It has to be a a bit of a negotiation.”

Flexibilities are often requested at the role outset

Many significant flexibilities (e.g. part time work) are requested by new employees. This presents an interesting question regarding both exclusion at recruitment phase, as well as self-exclusion from roles or work more broadly due to caring responsibilities.

“I think that, you know, because we use the award, but basically exist on negotiated contracts, people generally negotiate how they wanna work when they start. Yeah. Say, you know, I wanna work 20 hours a week. I don't wanna work less than you go, okay. Well, here's a valuable employee. Alright. We'll make that work.”

This was said to be particularly common among new employees who may have had specific needs or constraints that required flexible work arrangements. However, this raised important questions about exclusion at the recruitment phase and self-exclusion from roles or work more broadly due to caring responsibilities.

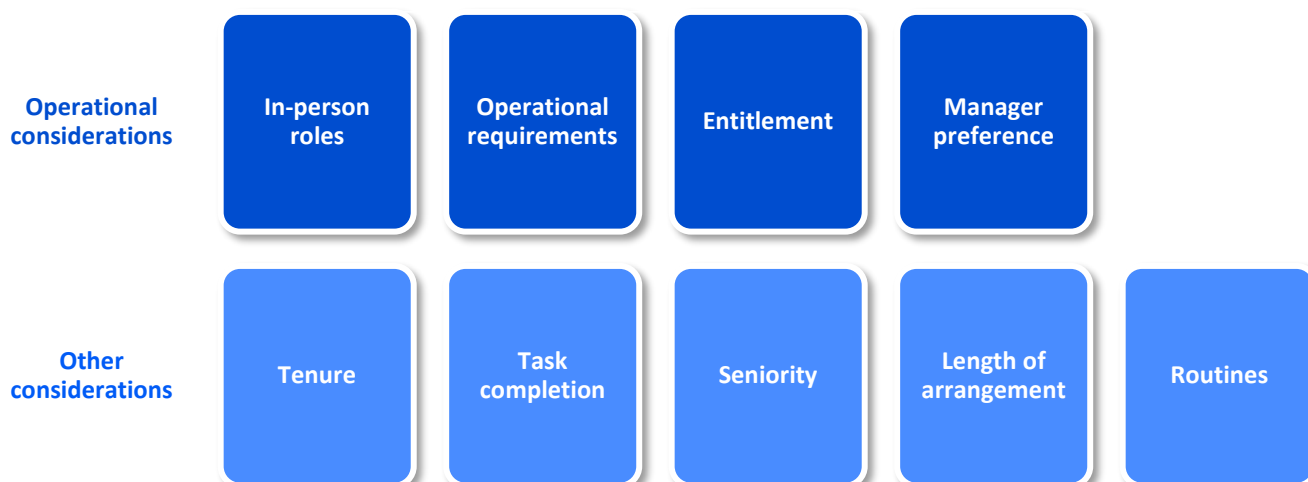
For instance, potential employees with caring responsibilities might have self-excluded from certain roles if they perceived that these roles did not offer the flexibility they needed. This may impact employers' perceptions of the true range or need for flexible work arrangements. This is consistent with the findings of the Work Gender and Equality Agency that women with care responsibilities are more likely to use part-time work, and that lack of flexibility in workplaces can hinder women's workforce participation (Work Gender and Equality Agency, 2024).

3.3. Operational Considerations influencing flexible work arrangements

Employers discussed operational considerations considered when approving workplace flexibilities to include role type, operational requirements, manager preferences, and employee entitlement.

Other considerations which may influence the approval of flexible work arrangements included tenure, seniority, workplace routines, length of arrangements, and task completion.

Figure 3 – Operational (top row) and other considerations (bottom row) influencing flexible work arrangements



3.3.1 Operational Considerations

In-person roles

Roles which require in-person service were deemed to be less suitable for flexibilities. Understandably, roles in healthcare, hospitality, or manufacturing often required the physical presence of employees due to the need for direct interaction with customers, patients, or machinery. This limited the extent of flexibility that could be offered, particularly in terms of remote work or flexible location. However this applied not only to working from home arrangements, but also other types of flexibilities including flexible start times.

“So if you're, for example, a landscaper, you won't get you won't be able to set your own start and finish times, and they won't get to, assign the days they wanna take off. They'll get rostered them on.”

“So, for example, a customer service person who's front facing, we need to have somebody at the counter visible to the public until 5 o'clock every day. So those sort of requests, then would be, denied because the position is requiring of them to be there.”

These industries and roles may benefit the most from more explicit provisions for flexible work. While these would need to be tailored to the requirements of that industry or role, it is likely that employees in these industries are not availing flexible working arrangements which may be suitable in those roles (e.g. flexible start and finish times).

Operational requirements

The operational needs of the business were a crucial consideration. Employers needed to ensure that granting flexibility did not disrupt the business's operations or compromise its ability to serve its customers effectively. Operational requirements were typically seen as the key decision point for approving flexible work entitlements. This was particularly referenced in client-facing roles (e.g. healthcare), where workload would need to be distributed amongst other team members.

“We call it business continuity. That's the technical term. But it will be that their position requires them to be, in a position or location at a certain time.”

Balancing employees' schedules to ensure adequate coverage during peak business hours was seen as another significant operational challenge. Employers cited the need to devise fair and effective scheduling systems that could accommodate flexible hours while still meeting operational demands. To address this challenge, employers noted having to be creative and strategic in their scheduling. This involved rotating schedules or the use of casual staff to ensure adequate coverage.

“So, our biggest issue is that as we're a contact centre, we have, I suppose, limitations based on our headcount and our, you know, forecast requirements. So, we need to maintain a certain number of people covering any given interval, so, it can be quite difficult juggling, you know, multiple and numerous than we do in a flexible work arrangements to ensure that we got the span actual client based restrictions to enable us to have enough staff to then allow greater flexibility. So by, you know, having more casual staff, for example, that can help bolster.”

On one hand, employers had noted wanting to respect and accommodate the individual needs and preferences of their employees. On the other hand, they cited having to ensure that business operations were not disrupted and that there was sufficient staff coverage during peak business hours.

“So, if everyone were to be, you know, take, let's say, all the Fridays off and then, you know, the business will actually come to a standstill.”

This challenge was particularly pronounced in businesses that relied heavily on real-time collaboration or had specific hours of operation. In such cases, granting too many flexibility requests could potentially lead to understaffing during critical business periods.

“But then certain jobs, like, let's say, you know, what's the main operations, we can't really absorb that because that's the, you know, the backbone of the business. So, yep, and then the other one will actually be the finance team. I mean, we can't afford that.”

Entitlement

Some employees due to tenure, seniority, or role type may not be eligible for flexible working arrangements. This is particularly relevant to employees in part time or casual roles. Employers also mentioned visas.

Casual employees were rarely mentioned in the interviews conducted. However, people in the care and support workforce are more likely to be employed part-time or on a casual basis than the economy-wide average (Jobs and Skills Australia, 2021). Where discussed, casual employees were perceived to have high flexibility by employers.

“So our casual employees tell us when they're available and then we roster them on rather than the other way around.”

“So essentially, except for two uni students who, you know, work some casual hours. They just fill in bits and pieces here and there.”

Manager preference

The preferences of line managers played a significant role in the decision-making process. Managers who were supportive of flexible work arrangements were more likely to approve

requests for flexibility. Some employers suggested managers who have been in the workplace for a longer period of time may be less amenable to flexible work arrangements for the business.

"So the ability to change has been a lot slower because a lot of the like, we don't have high turnover of senior staff."

While employers recognised the benefits of workplace flexibility, they also needed to ensure that the business continued to operate efficiently and effectively. This was perceived to be particularly challenging by some managers when it came to ensuring effective coordination and communication in teams. Remote and flexible work were often cited as leading to fragmented communication, making it difficult to maintain a cohesive workflow. This was often found to be the case in large businesses.

"Let's say, let the whole team be in on Wednesday so we can make it a collaborative day. But the whole team can't. There is a bit of an opposition there, but we do recognise the importance of having a team in a place, not talking on camera, just brainstorming, using the whiteboard for some sessions, and actually have them physically present because it's very easy to switch off once you're online. Just turn your camera off and we don't even know if you're listening or not. So, some of these things have brought into notice. We still have gone ahead and made Wednesday and anchor day. We prefer that the employees and my team come in on Wednesdays, but if they genuinely can't, we don't do anything about it. The employees say, we can't make it today, and they're like, okay, that's fine. So, it's just a preferred way, but they're not very happy with it."

3.3.2 Other Considerations

Workplace Routines

The routines and schedules of the workplace influenced the extent of flexibility that could be offered. Workplaces with rigid schedules found it more challenging to accommodate requests for flexibility. This could include set days in the office.

"We've got a three day in the office policy, so Wednesday Thursdays, everyone has to be in here. And one other day, as you can imagine, most people are doing Tuesday, Wednesday, Thursday and Monday and Friday. I'm pretty much the only person in the office."

"Let's say, let the whole team be in on Wednesday so we can make it a collaborative day. But the whole team can't. There is a bit of an opposition there, but we do recognise the importance of having a team in a place."

This could also include core business hours.

"We allow staff to start anytime between 7 and 9:30 and then finish anytime between 4 and 6, I believe, is the latest time."

Length of arrangement

Some businesses have time-limited approvals on their flexible work arrangements. For example, for one year before an agreement must be re-approved. This may restrict the ability of individuals to plan for long-term caring arrangements.

Task completion

Some employers for desk-based roles mentioned an agnostic nature to hours worked 'as long as the task is completed'. However this was not a widely shared viewpoint. If tasks required collaboration with others or needed to be completed at specific times, this limited the extent of flexibility that could be offered.

"So I said, well, it's not a big deal for me, but as I said, as long as he finished his job, he can pick up the case and come back and finish the work."

While employee performance was not consistently mentioned in the discussions, employers indicated that they were more likely to grant flexible work arrangements to employees they trusted. This trust was often based on the belief that the employee would responsibly utilise flexible working arrangements without compromising their work quality or productivity.

Tenure

Some employees, particularly those on probation, may not be eligible to apply for flexible working arrangements. It is unusual for requirements for probation to be included in Awards, and this is typically implemented by workplace policies or instruments. However, this is potentially a key barrier for employees with caring responsibilities, who may be unable to make alternative caring arrangements for up to six months in which they are not eligible for workplace flexibilities.

For some employers, it was particularly important for junior staff to be overseen. The most cited reason was the importance of junior staff learning from senior staff. This suggests that these employers valued the mentorship and learning opportunities that can occur in a traditional office setting and may have found it more difficult to provide this type of guidance and support in a remote or flexible work environment. This could be due to a lack of face-to-face interaction, which can make it harder to provide immediate feedback and guidance.

Seniority

Employees in senior positions often had more flexibility due to the nature of their roles. While not an explicit factor in most interviews, the desk-based nature of many more senior positions means that these employees may have different opportunities from more junior staff, including more opportunities for working from home arrangements.

"Currently it's the senior management who would have the flexibility to work from home."

"For blue collar employees? We have an EBA, and then for white collar employees we use the NES."

However, seniority could also be construed to have lower flexibility due to the requirement for longer overall hours.

"The managers for engineers are not as flexible and they're actually quite like, they're required to work much longer hours as well."

3.4. Variations across industries and business size

3.4.1 Informal and formal processes

Figure 4 - The relationship between type of process and business size



Formal processes for workplace flexibilities

The processes by which applications for workplace flexibilities were evaluated varied significantly between small, medium and large businesses. Within larger businesses, requests for workplace flexibilities were typically made through formal channels.

These formal processes often involved a written request or application that outlined the employee's needs and the type of flexibility they were seeking. This was typically approved by the employee's line manager before being escalated to HR for review, with approval typically sitting with HR or a senior business manager.

The evaluation of these requests was usually based on a set of predefined criteria, which included the operational needs of the business, the employee's entitlements under the instrument, and the employee's role and responsibilities.

The formal process allowed for a systematic and consistent approach to evaluating requests for flexibility, ensuring the inclusion of HR due to the potential effects on remuneration. Employer suggested It ensured that all requests were evaluated fairly and transparently, based on the same set of criteria. However, the formal process was also seen to be time-consuming and might not have always allowed for the quick resolution of requests.

Ad-hoc/informal processes for workplace flexibilities

On the other hand, in small businesses, decisions about workplace flexibilities were often made through ad-hoc or informal processes. These processes typically involved informal discussions between the employee and their supervisor or manager. The evaluation of requests was often done informally, with no specific criteria.

In medium businesses, the informal process also involved discussions with line management, however often the final decision was escalated to the most senior level of the organisation (e.g. CEO).

The informal process allowed for greater flexibility and could often result in quicker decisions. It also allowed for a more personalised approach, as decisions could be made based on the specific circumstances of the employee and the business. However, the lack of formal criteria could also lead to inconsistencies in how requests were evaluated and could potentially result in perceived or actual unfairness.

3.4.2 Additional considerations based on business size

Small businesses

Direct Communication

Another characteristic of small businesses was the direct communication between employers and employees. As mentioned in the below quote, employees often simply called their employer to request flexibility. This direct communication made the process of requesting and granting flexibility much quicker and simpler than in larger organisations, where requests might have needed to go through several layers of management.

"Usually they just give me a call and say, look, I need, you know, some flexibility with this."

However, this direct communication also required clear and open dialogue about expectations and responsibilities. Both the employer and the employee needed to be clear about what was expected in terms of work output and availability, and any changes to these expectations needed to be communicated promptly.

Medium-sized businesses

Informal and direct communication

In medium-sized businesses, the process of granting flexibilities was often characterised by a degree of informality and direct communication. Employees sought flexible arrangements typically by approaching their direct manager as the first point of contact.

"So, they would go to their direct manager first, if they have one. Or alternatively, they can come to me, and I can take it to the direct manager and then the senior partner."

"I mean, it's relatively informal at the moment, but an employee, we would ask their direct manager."

The decision-making process in medium size businesses depended on the maturity of the organisation, but was typically not bound by existing policies.

"So as far as HR is concerned, we do not really, you know, sort of have, you know, a hard and fast rule."

"My role is the CEO [...] have had to get on top of all the awards that we're under and we don't really have a HR person, so it does sort of fill into my pocket a bit."

"I also have an older mom, and if I know that when I have a conversation with my director he'll allow me to work on Sunday instead of Monday."

Data privacy and security for working from home arrangements

For some employers, remote work arrangements raised concerns about data privacy and security. Employers for whom this was a concern, cited the additional costs involved in needing to implement robust cybersecurity measures to protect sensitive information and comply with data protection regulations. This included securing remote work environments and providing adequate training to employees. As a result, some employers often cited that in-person work was necessary.

“So, obviously putting, setting up computers and things like that for work from home situations just opens up to additional security and viruses and stuff like that. And with the amount of secure information we keep on our servers, we do like to keep it locked down a little bit.”

These employers were particularly concerned about the potential for data breaches and unauthorised access to sensitive information when employees were working remotely. The need to invest in secure technology and infrastructure, such as Virtual Private Networks (VPNs), secure cloud storage, and multi-factor authentication, was seen as a significant cost associated with working from home arrangements.

Additionally, there was the challenge of ensuring that employees were adequately trained on data privacy and security practices. This included educating employees about the risks of phishing attacks, the importance of using strong passwords, and the need to secure their home Wi-Fi networks. These risks and costs associated with remote work led some employers to prefer in-person work arrangements.

Large businesses

Large businesses were more likely to be working under a mixture of instruments, particularly Enterprise Bargaining Agreements.

It was found that large businesses typically handled requests for flexible work arrangements through a formal process. This process often involved the employee submitting a form to their HR department. The form usually required the employee to provide details about the requested arrangement, including the reasons for the request, the proposed schedule, and the potential impact on their work.

“Requests are formally submitted via a flexible work arrangement request form”

The decision-making process in large businesses was also found to be more complex, involving multiple levels of management and often requiring approval from several different departments. Factors considered included the employee’s role and responsibilities, the needs of the business, the potential impact on productivity and team dynamics, and compliance with employment laws and regulation.

“Ultimately it involves remuneration, so anything that involves remuneration is going to involve some paperwork, and that paperwork has to be processed in line with our delegations so that, you know, the payroll people are prepared to pay on it.”

Adding additional complexity, some large businesses are multinationals, with international HR and local payroll teams. This was cited as having the potential to cause lower approval rates for flexible working arrangements due to differing work cultures.

“So we don't really have a human resources team on site. They're based offshore.”

It was only in large businesses that consistent monitoring and communication channels for flexible working promotion were identified by employers.

“So when staff onboarded, we have a sheet we go through that we read it all off. There's also, internal policy documents that we have. We have also, like, a new starter guide handbook that has all that, outlined in as well, as well as us as,

leaders. We also communicate that to our staff regularly. So if we know the staff aren't utilising those things. We actually have one of our [risk and safety committee] agenda items every month to assess where our staff are using flexible working and then discuss why they're not using them."

3.4.3 Variations in process and practices across industries

Some face-to-face industries have implemented increased flexibilities, however these are typically lagging behind the flexibilities offered for similar employees in other sectors.

"Office staff have the option to work from home one day a week for increased productivity. This arrangement is not covered by the awards but is an agreement made with the business."

Some unique cases for supporting work and care were presented in child care industries.

"I don't have anyone looking after any elderly or parents. And I have an employee that's got three children and she brings her youngest to work."

4. Demand for flexible working arrangements

4.1. Reasons for flexibility requests

According to employers, the main reasons cited for employees requesting workplace flexibilities were children, caring, and study, as well as other reasons including lifestyle. In each case the forms of flexibility requested were similar

Childcare responsibilities

Employers noted that one of the primary reasons employees requested workplace flexibility was to fulfill their childcaring responsibilities. This involved picking up children from school, attending school functions, or staying home with a sick child. Flexible start and finish time, part-time work, work from home and changes to schedules were found to be the most requested workplace flexibility arrangements for employees with childcare responsibilities.

"So basically, we do have a lot of flexibilities around sort of care if they need to go home for their kids, a lot of the staff that we do have, do have kids."

"So usually, it's children. I'd say the 90% of the time it's kids."

The findings also indicated that requests for flexible work arrangements related to childcare were more prevalent than those related to caring for the elderly or disabled. This trend could be attributed to several factors including visibility of needs.

"For the for the staff members who have children, though they have to work until 4 o'clock, we'll allow them for days if they can't organize school pickups and stuff to work from home to allow a bit of flexibility there."

Caring responsibilities

Caring responsibilities was another significant factor driving the need for workplace flexibility. This included caring for a sick family member, an elderly parent, or a person with disability. Flexible work arrangements, such as flexible start and finish times, part-time work, or the ability to work from home, were found to be the most requested form of workplace flexibilities made by employees to balance their work and caring responsibilities.

"So, we've got an employee at the moment who's gone overseas to sort of see their parent through an operation."

"Yeah. So, I mean, one of the cases at the moment is an employee who's in that carer situation or going to see family and they can't provide a return date."

"Well, I have, some staff who have, family members who have disabilities, So they'll request on, various days of the weeks to leave early or start later to accommodate that. We also accommodate them by proving those flexible days, on very short notice if required."

Further education and professional development

Employees also requested workplace flexibility to pursue further education or professional development opportunities. This included needing time off to attend classes, study for exams, or complete coursework. Employers noted that the most requested form of flexible workplace

arrangements undertaken by employees in these circumstances mainly included flexible start and finish time, part-time work and shift swapping.

"Probably the largest proportion would be study, next would-be caring responsibilities."

4.2. Gender disparities in flexibility requests

Gender played a significant role in the dynamics of workplace flexibility. There seemed to be a consensus among employers that requests for flexible work arrangements were more common among female employees, particularly those with children.

Empathy was a key consideration, particularly among female employers or those in senior positions regarding flexibilities for those with children. These employers often had firsthand experience balancing work and family responsibilities and therefore, were more understanding and accommodating of their employees' needs. They often expressed sentiments such:

"I've got kids as well, so we've been very flexible because we know how it is when you've got kids."

Most flexibilities for employees with care responsibilities were consistent with the flexibilities available for other employees. However, female-led businesses or those with females in senior positions often cited the role of understanding the situation in approving flexibilities for employees with care for young children.

"I myself know I'm a mum too, you know, it happens."

"Look, we're all women, and we all work in a care industry. So that changes the whole dynamic probably."

From an HR perspective, it was observed that mothers were the ones who most often requested and appreciated these flexibilities. The flexibility allowed them to manage family commitments, such as picking up their children or sending them to school, while also fulfilling their work responsibilities. On the other hand, fathers were perceived to adhere more to the traditional 9 to 5 work schedule unless there was a specific need, such as a sick child, requiring flexibility.

"I guess they [fathers] are more or less like the old world where they simply start work from 9 to 5 unless, you know, the child is sick, that's when they would like to have some work flexibility."

There were also informal flexibilities prioritised for those with caring responsibilities.

"So if you're a mom and you need to do school hours, I can roster 8 till 3. I tend to personally roster around their life needs because I have less absences and I have better attendance."

Highly feminised industries

Recent work conducted by the UNSW Social Policy Research Centre indicates that many jobs where large numbers of women are concentrated disproportionately feature among the lowest paid, particularly in Health Care and Social Assistance, Education and Training, and components of Retail industries and Nursing and Administrative or Retail Assistant roles. These have high rates of public sector employment and pay is primarily set by Awards and collective agreements (Cortis et al., 2023).

Many of these highly feminised industries are in-person or person-facing roles, which were identified in this research to be the types of role less amenable to workplace flexibilities.

"I would say that the overriding concern would be patient care and continuity and, you know, you can't just go, oh, that's okay - we'll just cancel all of those [patients] this week."

As Cortis et al. (2023) noting that these industries have employees with higher proportions of unpaid caring responsibilities, it is not surprising then that the proportion of part time workers in these industries are above average.

Due to the high level of Awards and collective agreements in setting employment conditions in these industries, the role of Awards in these industries to address flexible working conditions is likely to be significant.

While there is insufficient evidence to draw conclusions, it would be worth further investigation into whether this impacts the provision of workplace flexibilities to those with children for males, or in male-dominated industries.

4.3. Grant rate of workplace flexibility requests

Employers interviewed perceived that most requests for flexible work arrangements are approved.

Several employers expressed a generally positive attitude towards granting flexible work arrangements. Phrases like "we kind of just say yes" and "we've never actually denied anyone" indicate a willingness to accommodate employees' needs for flexibility. One employer even stated that they "can't see a situation where we knock it back," suggesting a high level of openness to flexible work arrangements.

"So, whenever someone asks, we kind of just say yes, you know, cause it kind of works for us, you know, and works for them."

"We've never actually denied anyone, you know, like saying, no, you can't, you can't leave or, you know, we're not going to allow you to make up that time or shuffle your days around." - Interview participant

"I can't see a situation where we knock it back."

"Oh, well, I'd have to say, well, in my team, everybody, because, yeah, everybody has that opportunity."

"So I would say we're probably about 95% of the staff will make use of that, accrued time off to take, take days off. It's very rare you'd find someone who doesn't want to, but there's the occasional. Yep. The working from home, I believe, is around about 80% for staff. So not as high."

"Across the organization, it's probably close to around the 80% mark"

The approval rate, however, varies depending on the nature of the job and the specific circumstances of each request.

"I would say 8 out of ten times if people ask for something, we try pretty hard to honor it."

In terms of frequency, one employer estimated that every single person in the office would have used flexible work arrangements at least once or twice in the last twelve months. This indicates that flexible work arrangements are not just a rare exception, but a common practice that is utilised by a wide range of employees.

"I would say a good 100%. Because I think if I, if I were to look at the last twelve months, at least every single person in the office would have used it at least once or twice."

In another, about 10% of the workforce was on some form of flexible work arrangement. This indicates that while not all employees may require or request flexibility, a significant portion of the workforce does benefit from such arrangements.

"We currently have approximately about 10% of the workforce on some form of flexible work arrangement."

4.3.1 Variations across industries and business size

Business size

Small businesses tended to report designing work around the availability of employees. This was perceived to be due to the importance of retaining staff who are critical to business operations. Many employers had a direct relationship with their employees and a deep understanding of their personal circumstances. Employees could often access workplace flexibilities that suited them, as long as they met their work commitments.

"I've got complete flexibility being a small business owner and working for myself. And for the girls they set their own standards as such, depending because they have families, they've got young families, depending on what suits them, really. So, we do have a specific turnaround of 48 hours maximum for the work to get back to the clients. That is set by myself, and I encourage the girls to do that as well, if they can. But I understand with young families, kids get sick and stuff."

In medium-sized businesses, discussions typically centred on balancing workload amongst the team to accommodate flexible working requests. Smaller team sizes created a dynamic where flexible working arrangements were perceived as sometimes shifting work to another person. These businesses highlighted negotiation as a key aspect in flexible working arrangements.

"when I can't work and I know you're gonna have to work instead, That's pretty powerful. Right?"

"People are generous. I feel like people are generous. And they care about [name] going on [leave]. And we all care about [name's] patients. So we're all trying to chip in to just cover it as well as we can"

Large businesses were less likely to discuss negotiations outside of the role of the line manager in ensuring these could be balanced before supporting the request.

5. Summary

Employers typically reported informally using role type to evaluate whether work is amenable to flexible working arrangements or not. Person-facing roles and in-person roles were typically less amenable to flexible working arrangements, while desk-based roles were typically seen as more amenable to flexible working arrangements.

Employers typically perceive workplace flexibilities as being made widely available to employees – for those whose role types were amenable to flexible working arrangements. For those roles, employers typically report approving very high proportions of requests for workplace flexibilities. Flexible working arrangements are seen as important to retention and recruitment for these roles.

Workplace flexibilities were typically seen to be operationalised through management or internal policies and norms, rather than arising from conditions in Modern Awards. However, even when not directly used to set employment conditions, Modern Awards conditions were often used to form the basis of individual contracts, particularly in small and medium businesses.

When assessing workplace flexibilities, Employers reported evaluating role type, operational requirements, manager preferences, and employee entitlement. Other considerations which may influence the approval of flexible work arrangements included tenure, seniority, workplace routines, length of arrangements, and task completion. Females in senior positions or female-led businesses cited the importance of empathy in approving and making available flexibilities to those employees with care for young children.

In many cases, employers reported that negotiation may be needed prior to approving workplace flexibilities. This was typically to ensure alignment of resource availability with the current working arrangements of the wider team, and was most commonly reported in medium-size businesses. While employers viewed these arrangements as an approval of flexible working arrangements, this may be seen differently by employees, who are less likely to have access to flexible working arrangements in the form originally requested.

Most types of flexibilities for employees with care responsibilities were consistent with the types of flexibilities available for other employees. Indeed these two groups are not necessarily distinct, with the main reasons cited for employees requesting workplace flexibilities were children, caring, and study. In some instances, employers reported prioritising approval of workplace flexibilities for those employees with care responsibilities. Females in senior positions or female-led businesses cited the importance of empathy in approving and making available flexibilities to those employees with care for young children.

Many highly feminised industries are in-person or person-facing roles (Cortis et al. 2023), which were identified in this research to be the types of role less amenable to workplace flexibilities. These industries have employees with higher proportions of unpaid caring responsibilities, and higher proportions of part time workers than average. The potential role of Awards in these industries to improve flexible working conditions is significant, due to the high level of Awards and collective agreements in setting employment conditions in these industries.

While not currently a provision in Awards, working from home arrangements were discussed by almost all employers referring to flexible working arrangements. These are commonly deployed across desk-based industries, and in more senior roles.

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